

REMARKS

Claims 1, 21, and 30 have been amended. Claims 1-26, 28-35, 37 and 38 remain pending in the present application. Reconsideration is respectfully requested in light of the following remarks.

Restriction Requirement:

The Examiner effectively made the previous restriction requirement final by only examining the elected claims. The Examiner failed to address Applicants' traversal of the previous restriction requirement. Applicants maintain their traversal of the restriction requirement for at least the reasons stated in Applicants' previous response. The Examiner incorrectly listed only claims 1-11, 21-26, 28-35, 37 and 38 as pending. However, since claims 12-20 have not been cancelled, the correct list of pending claims is 1-26, 28-35, 37 and 38. Applicants assume the Examiner intended to list claims 12-20 as withdrawn.

Provisional Double Patenting Rejection:

The Examiner rejected claims 1-11, 21-26, 28-35, 37 and 38 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of Application No. 10/091,203. Since this rejection is provisional, Applicants will consider filing a terminal disclaimer or arguments traversing the rejection if the rejection becomes non-provisional.

Section 102(e) Rejection:

The Examiner rejected claims 1-11, 21-26, 28-35, 37 and 38 under 35 U.S.C. § 102(e) as being anticipated by Mendez, et al. (U.S. Patent 5,961,590) (hereinafter "Mendez"). Applicants respectfully traverse this rejection for at least the reasons below.

Mendez does not teach a server comprising a document in a format supported by the server, wherein the document is available to one or more devices via a network in the format supported by the server; a small device configured to couple to the server; wherein the server is configured to generate a small device document in a format supported by the small device from the document in the format supported by the server, wherein the format supported by the small device excludes one or more formats for content of the document in the format supported by the server. The Examiner refers to col. 4, lines 57-67 and col. 5, lines 26-47 of Mendez. However, this portion of Mendez refers to a global format. The global format in Mendez is used only by the global server, not by other devices. Moreover, Mendez does not teach a format supported by a small device that excludes one or more formats *for content* of the document in the format supported by the server that is also available to other devices via the network. Nothing in the sections of Mendez cited by the Examiner teaches these limitations. Applicants remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). For the reasons given above, Mendez clearly cannot be said to anticipate Applicants' claimed invention.

Thus, for at least the reasons presented above, the rejection of claim 1 is not supported by the cited prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claims 21 and 30.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

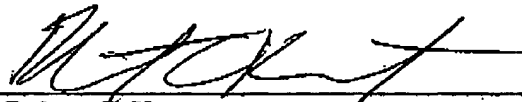
Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-10500/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



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